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Christopher Hyland

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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP

STEVEN M. GREENBERG

950 PENINSULA CORPORATE CIRCLE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER HYLAND and FERNANDO SALAZAR

Appeal 2009-005589
Application 10/720,404
Technology Center 2100

Before: JOSEPH L. DIXON, LANCE LEONARD BARRY, and THU A. DANG, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

The Patent Examiner rejected claims 8-21. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as follows.

A user customizable report generator can be configured for attachment to at least one database through at least one reporting tool and can include at least one set of pre-established screens for defining at least one value for a corresponding database parameter specified within a report template. The generator further can be communicatively coupled to at least one business rule and the generator can include business rule enforcement logic disposed within each of the pre-established screens. The logic can include programming for processing session state information to assist in enforcing the at least one business rule.

(Abstract.)

ILLUSTRATIVE CLAIM

8. A method for generating a user customized report comprising the steps of:

retrieving a specified template for producing a desired report;

determining from said specified template a set of parameters required to produce said desired report;

for each parameter in said set, selecting a screen for providing a user interface through which a value can be established for said parameter, and embedding business rule enforcement logic in said selected screen, the business rule enforcement logic enforcing business rules for accessing data in a database; and,

saving each of said selected screens in a report definition configured to produce a report while executing said embedded business rule enforcement logic to enforce the business rules in respect to values established for corresponding ones of the parameters in the set.

REJECTIONS

Claims 8-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0165936 A1 ("Alston") and U.S. Patent Application Publication No. 2002/0049749 A1 ("Helgeson").

CLAIM GROUPING

Based on the Appellants' arguments, we will decide the appeal of claims 8-21 on the basis of claim 8 alone. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The *issue* before us is whether the Examiner erred in finding that Helgeson teaches "business rule enforcement logic enforcing business rules for accessing data in a database" as required by representative claim 8.

FINDING OF FACT

Helgeson describes its invention as follows.

The present invention provides a system and method for integrating disparate business applications, and managing the applications processes in a hardware resource and user effort efficient manner. The automated system of the present invention uses a business systems platform comprised of several unique servers to efficiently manage multiple applications which are themselves generally distributed across a network, and to control the execution of the required tasks with minimum use of redundant data input to the several applications, thereby minimizing the use of hardware resources and user input effort.

(Abstract.)

ANALYSIS

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim, and that anticipation is a fact question" *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)). Of course, anticipation "is not an 'ipsissimis verbis' test." *In re Bond*, 910 F.2d 831, 832-33, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (citing *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479 & n.11, 1 USPQ2d 1241, 1245 & n.11 (Fed. Cir. 1986)). "An anticipatory reference . . . need not duplicate word for word what is in the claims." *Standard Havens Prods. v. Gencor Indus.*, 953 F.2d 1360, 1369 (Fed. Cir. 1991).

Here, the Examiner makes the following findings.

Helgeson teaches that Model pages are responsible for producing an XML representation of the content of the page. This content typically comes from executing complex business logic (e.g., running database queries, exercising business APIs, etc.). Clearly, executing complex business logic, for example running database queries, meet the claim limitation that business rule enforcement logic enforces business rules for accessing data in a database.

(Ans. 8.)

The following portion of Helgeson is relevant to the Examiner's findings.

[0772] Model pages are responsible for producing an XML representation of the content of the page. This content typically comes from executing complex business logic (e.g., running database queries, exercising business APIs, etc.). Although model pages (being XSP pages) are capable of including programming logic, including a large amount of code in an XSP page makes it hard to maintain. To solve this problem Web Content Server 800 introduces an implementation of the Command pattern (Gamma et al.). A developer can invoke a command from a model page by using the execute Web Content Server 800 tag library tag. For example, the following line

```
<wdktags:execute manager="CatalogCommandMgr"  
command="search"/>
```

[0773] invokes the execute method of the ICommand object registered under the "search" key of the CatalogCommandMgr and replaces the element with the XML result of executing the method.

(¶¶ 0772-0773.)

In summary, Helgeson teaches that Model pages are responsible for producing an XML [Extensible Markup Language] representation of the

content of the page. This content typically comes from executing complex business logic (e.g., running database queries, exercising business APIs [Application Programming Interfaces], etc.). Executing complex business logic, for example, running database queries, constitutes the claim limitation that business rule enforcement logic enforces business rules for accessing data in a database.

For their part, the Appellants make the following argument.

[N]othing in paragraph [0772] suggests the "enforcement of business rules". The Examiner seems to want to equate the "execution of business logic" with the "enforcement of business rules" however the mere presence of the word "business" in the phrase "business logic" is not sufficient to conclude that business logic is "business rules". More importantly, the notion of "enforcing" rules is not present at all in paragraph [0772].

(Appeal Br. 5.)

Although the Appellants' argument emphasizes lack of the term "enforcement" in Helgeson, we agree with the Examiner that Helgeson does teach enforcement of business rules. Enforcement of business rules occurs, for example, when Helgeson's Web Content Server 800 introduces an implementation of the Command pattern. A command can then be invoked from a model page by using the execute Web Content Server 800 library tag. This implementation or invocation of a command pattern constitutes enforcement of business rules.

"Every patent application and reference relies to some extent upon knowledge of persons skilled in the art to complement that disclosed" *In re Bode*, 550 F.2d 656, 660 (CCPA 1977) (quoting *In re Wiggins*, 488 F.2d 538, 543 (CCPA 1973)). Those persons "must be presumed to know something" about the art "apart from what the references disclose." *In re*

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Jacoby, 309 F.2d 513, 516 (CCPA 1962). Here, contrary to Appellants' assertion that business logic is distinguishable from business rules, we find those of ordinary skill in the art would know that the implementation of a business rule would require an exercise of business logic. Therefore, we *conclude* that the Examiner did not err in finding that Helgeson teaches "business rule enforcement logic enforcing business rules for accessing data in a database" as required by representative claim 8.

DECISION

We affirm the rejection of claim 8 and that of claims 9-21, which fall therewith.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED

Tkl

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
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